

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

IN RE TEXAS PRISON HEAT LITIGATION	§ § § §	MDL Docket No. _____ Civil Action No. 3:13-cv-283 (S.D. Tex.)
---------------------------------------	------------------	--

**DECLARATION OF CYNTHIA L. BURTON IN SUPPORT OF MOTION  
OF DEFENDANTS FOR TRANSFER OF ACTIONS TO THE SOUTHERN DISTRICT  
OF TEXAS PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR  
CONSOLIDATED PRETRIAL PROCEEDINGS**

I, Cynthia L. Burton, hereby declare:

1. I am an assistant attorney general in the Law Enforcement Defense Division of the Office of the Attorney General of Texas. To my knowledge, there are at least seven civil actions pending in different federal courts in Texas—identified in the Schedule of Actions attached hereto as Exhibit 1 and incorporated herein by reference—asserting violations of the Eighth Amendment, the Americans with Disabilities Act and the Rehabilitation Act on behalf of the survivors of eight Texas prison inmates and on behalf of three living offenders as a class.

2. Attached hereto as Exhibit 1 and incorporated herein by reference is a true and correct copy of the Schedule of Actions as of July 9, 2014.

3. Attached hereto as Exhibit 2 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Hinojosa* action.

4. Attached hereto as Exhibit 3 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Hinojosa* action.

5. Attached hereto as Exhibit 4 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Martone* action.

6. Attached hereto as Exhibit 5 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Martone* action.

7. Attached hereto as Exhibit 6 and incorporated herein by reference is a true and correct copy of the complaint filed in the *McCollum* action.

8. Attached hereto as Exhibit 7 and incorporated herein by reference is a true and correct copy of the docket sheet in the *McCollum* action.

9. Attached hereto as Exhibit 8 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Webb* action.

10. Attached hereto as Exhibit 9 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Webb* action.

11. Attached hereto as Exhibit 10 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Adams* action.

12. Attached hereto as Exhibit 11 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Adams* action.

13. Attached hereto as Exhibit 12 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Togonidze* action.

14. Attached hereto as Exhibit 13 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Togonidze* action.

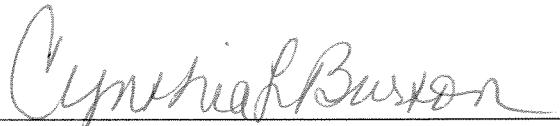
15. Attached hereto as Exhibit 14 and incorporated herein by reference is a true and correct copy of the complaint filed in the *Bailey* class action.

16. Attached hereto as Exhibit 15 and incorporated herein by reference is a true and correct copy of the docket sheet in the *Bailey* class action.

17. Attached hereto as Exhibit 16 and incorporated herein by reference is a true and correct copy of the Judicial Center's Federal Court Management Statistics for December 2013 for the Southern and Eastern Districts of Texas.

18. Attached hereto as Exhibit 17 and incorporated herein by reference is a true and correct copy of the pending MDL Dockets by District as of June 2014.

I declare, under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 14<sup>th</sup> day of July, 2014, in Austin, Texas.



**CYNTHIA L. BURTON**

Assistant Attorney General

Attorney in Charge

Texas Bar No. 24057611

[cynthia.burton@texasattorneygeneral.gov](mailto:cynthia.burton@texasattorneygeneral.gov)

**ATTORNEY IN CHARGE FOR TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE,  
BRAD LIVINGSTON, RICK THALER,  
EILEEN KENNEDY, ERNEST GUTIERREZ,  
JR., RICHARD ALFORD, JEFF PRINGLE,  
RICHARD CLARK, KAREN TATE,  
SANDREA SANDERS, ROBERT EASON,  
TOMMIE HAYNES, ROBERT LEONARD,  
BRANDON MATTHEWS, DEBRA GILMORE,  
SARAH RAINES, REVOYDA DODD, DENNIS  
MILLER, REGINALD GOINGS, TODD  
FOXWORTH, LANNETTE LINTHICUM,  
KERRY COLLARD, MATTHEW SEDA,  
TULLY FLOWERS, DORIS EDWARDS,  
JAMES JONES and ROBERTO HERRERA**